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13 Attorneys for Defendant
14 METROMILE, INC.

15 UNITED STATES DISTRICT COURT
16
17 NORTHERN DISTRICT OF CALIFORNIA

18 LOWELL PARKER, an individual on behalf of
19 himself and all others similarly situated,

20 Plaintiff,

21 v.

22 METROMILE, INC.,

23 Defendant.

Case No. 4:21-cv-07676-JSW

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO STAY OR EXTEND DEADLINES
PENDING FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

***DECLARATION OF BENJAMIN H. KLEINE
SUBMITTED HEREWITH***

1 IT IS HEREBY STIPULATED by and between the Parties to this action
 2 through their designated counsel as follows:

3 1. This case is a putative class action brought by Lowell Parker (“Plaintiff”) against
 4 Metromile, Inc. (“Defendant” or “Metromile”) (collectively, “Parties”) about a data security
 5 incident that impacted Defendant’s website in late January 2021 (the “Incident”). Plaintiff alleges,
 6 on behalf of himself and similarly situated individuals that that Defendant was negligent in failing
 7 to secure his and the putative class’ driver’s license numbers (“DLNs”). Plaintiff’s First Amended
 8 Complaint asserts claims against Metromile for (1) negligence, (2) negligence *per se*, (3) violation
 9 of California’s Unfair Competition Law (“UCL”), (4) violation of New York’s General Business
 10 Law (“GBL”) Section 349, and (5) declaratory judgment. Plaintiff seeks, among other things,
 11 injunctive relief and damages. Metromile denies all claims and any wrongdoing in relation to the
 12 Incident.

13 2. On September 30, 2021, Plaintiff filed a Class Action Complaint (“Complaint”)
 14 against Metromile, Inc. (ECF No. 1).

15 3. On November 8, 2021, Plaintiff sent Defendant a waiver of service of summons
 16 form, which Defendant executed on the same date (ECF No. 15).

17 4. On November 9, the Court issued an order setting an initial CMC for January 21,
 18 2021, along with related deadlines (ECF No. 16).

19 5. On November 10, Defendant filed a stipulation to extend the deadline to answer or
 20 respond to the complaint pursuant to L.R. 6-1(a) (ECF No. 17).

21 6. On November 10, the Parties filed a joint stipulation to set briefing deadlines on
 22 Defendant’s motion to dismiss the complaint, continue the initial CMC, and stay discovery pending
 23 a decision on the motion to dismiss (the “First Joint Stipulation”) (ECF No. 18).

24 7. On November 12, the Court granted the First Joint Stipulation (ECF No. 19).

25 8. On January 13, 2022, the Parties filed a second joint stipulation to set deadlines for
 26 briefing on Defendant’s motion to dismiss the Plaintiff’s anticipated amended complaint and to
 27 continue initial case management conference (the “Second Joint Stipulation”) (ECF No. 22).

28 9. On January 13, Plaintiff filed a First Amended Complaint (ECF No. 23).

10. On January 14, the Court granted the Second Joint Stipulation (ECF No. 24).

11. On February 3, 2022 Defendant filed its motion to dismiss and Request for Judicial Notice in support of its motion to dismiss (ECF No. 25-26).

12. On February 10, the Parties agreed to engage in the mediation process to resolve the dispute.

13. On February 15, the Parties filed a third joint stipulation, in order to stay deadlines and vacate the hearing on Defendant's motion to dismiss and the initial case management conference in light of a mediation scheduled for April 4, 2022 (the "Third Joint Stipulation") (ECF No. 27).

14. On February 16, the Court granted the Third Joint Stipulation and ordered the Parties to submit to the Court a joint report by April 28, 2022, as to the outcome of the mediation and to recommend a schedule for either the filing of a motion for preliminary approval of a settlement or for further briefing and hearing on Defendant's motion to dismiss and the initial CMC (ECF No. 28).

15. On April 4, 2022, after exchanging mediation briefs and informal discovery, the Parties attended an all-day mediation with Judicate West mediator Jill Sperber, Esq. The Parties reached a class action settlement in principle soon thereafter. The Parties finalized the details of the agreement on April 15.

16. Since the mediation on April 4, the Parties have focused their efforts on expeditiously preparing the Settlement Agreement, the Motion for Preliminary Approval, and supporting materials for that filing. The Parties anticipate filing the Motion for Preliminary Approval on or before May 26, 2022.

17. Given the settlement reached by the Parties, and that Defendant's motion will be moot if the Court approves the settlement, enters judgment, and dismisses the action, the Parties agree that the current briefing and hearing deadlines should be stayed or extended as requested below.

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1 18. Considering the settlement reached herein, the Parties, by and through their counsel
2 of record, STIPULATE TO AND RESPECTFULLY REQUEST that the Court stay the action,
3 except for Plaintiff's motions for preliminary and final approval of the settlement and any deadlines
4 related thereto.

5
6 April 28, 2022

COOLEY LLP

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8 By: /s/ Benjamin H. Kleine
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1 DATED: April 28, 2022

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14
15 **ATTESTATION PURSUANT TO CIV. L.R. 5-1(i)(3)**

16 Pursuant to Civ. L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has
17 been obtained from the signatory.

18 Dated: April 28, 2022

/s/ Benjamin H. Kleine
BENJAMIN H. KLEINE

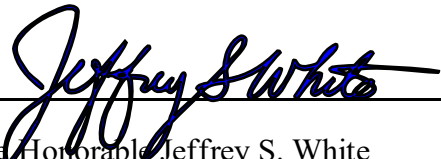
~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN, THE COURT
ORDERS AS FOLLOWS:

Having considered the Parties' Stipulation and [Proposed] Order to Stay or Extend Deadlines Pending Final Approval of Class Action Settlement and the Declaration of Benjamin H. Kleine filed in support thereof, and finding good cause for the relief sought, IT IS HEREBY ORDERED that this action is stayed, except for Plaintiff's motions for preliminary and final approval of the settlement and any deadlines related thereto. Plaintiff's deadline to file his Motion for Preliminary Approval of Class Action Settlement is May 26, 2022.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 2, 2022


The Honorable Jeffrey S. White
United States District Court Judge

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